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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,937	10/22/2001	Manfred Wilhelm	1318 A	3284

7590 11/21/2005
STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

CRANE, DANIEL C

ART UNIT PAPER NUMBER

3725

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,937

Applicant(s)

WILHELM ET AL.

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-40, 42-46, 50-52, 54-58, 62 and 63 is/are rejected.
- 7) ☒ Claim(s) 41, 47-49, 53, 59-61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

REJECTION OF CLAIMS OVER PRIOR ART

Claims 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valeo Auto-Electric Wischer Und Motoren GMBH (WO 01/62408 A1, herein referred to as Valeo). Valeo illustrates in Figure 1 a method for bending strip material 15 by feeding the strip material between three support points 19 and 39 followed by a movable reverse bending roller 33 that reverse bends the strip material a lesser amount than the three supporting bending points 19 and 33. The operation of the bending is by a numerical control (see paragraph bridging pages 5 and 6). Not shown is also provided a cutting operation to cut the material to required lengths (see the second full paragraph on page 8). Valeo does not specify that the method be performed on “steel”; rather, Valeo broadly performs the bending on “strip material”. It is the examiner’s position that the skilled artisan having the benefit of Valeo’s method would have been disposed to perform the method on any deformable material as dictated by the required use of the product. As to claims 31 and 32, clearly Valeo performs the bending using predetermined calculations so as to produce a product having the necessary configuration. The amount of reverse bend is clearly dependent upon the required sizing of the finished of the product. As to claim 34, see the paragraph bridging pages 5 and 6 and the first full paragraph of page 6 where trigger markings are used to denote the leading and trailing ends of each strip length.

Claims 40, 42-46, 50-52, 54-58, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds Aluminum (NL 7807040, herein referred to as Reynolds) in view of Flemmer (5,685,186) or Valeo Auto-Eclectic Wischer Und Motoren GMBH (WO 01/62408). The Figure shows that a bender having three support points 2, 3 and 4 where the center support

point 2 is adjustable and with a reverse bending roll 8 also being adjustable. Reynolds does not show that the reverse bending roll is numerically controlled and where a cutting implement is provided. This is shown by Flemmer or Valeo where computer controls can be provided to automatically control the positioning of the bending rolls and so as to eliminate any manual intervention in the bending of the strip material. Flemmer and Valeo also provide cutting units to sever the material to required lengths. It would have been obvious to the skilled artisan at the time of the invention to have modified Reynolds' device by further providing the control concepts and cutting units of Flemmer or Valeo for the noted motivation. See the previous paragraph as the examiner's position relates to claims 45 and 46

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 41, 47-49, 53 and 59-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

RESPONSE TO APPLICANTS' COMMENTS

With respect to the applicability of Valeo reference against the claimed subject matter with regards to applicants' filing date as compared to the publication date of the Valeo reference, it is noted that the present application is a CIP of applicants' parent application. As it appears that the present claimed subject matter does not have support within the parent application, applicants' filing date of the present application controls. Accordingly, it appears that applicants can only go back to October 22, 2001 for the claimed basis. Valeo's publication date of August

Art Unit: 3725

30, 2001 makes the reference a valid reference. Applicants have not shown where the present claimed subject matter is sufficiently supported by the original application. Further, to perfect the priority date, a certified translation of the priority document, which has a filing date of April 7, 1998, must be submitted.

Contrary to applicants' comments concerning the combination of Reynolds, Flemmer and Valeo, it is maintained that the motivation to combine is tenable. Applicants argue that there is no motivation or suggestion to combine the teachings. However, the level of skill of the artisan within this art must be ascertained. In this regard, the level of skill of the artisan within the rolling art is clearly aware of controlled rolling operations verses manually controlled rolling. Because of this awareness within the complex rolling art, the skilled artisan is familiar with the advantages and needs for implementing controls within rolling devices so as to eliminate any operator control, to increase productivity and to increase quality of the roll product. For this reason, it is the examiner's position that this is a clear motivation or suggestion to combine the teachings. Accordingly, applicant's arguments fail to show that there is no suggestion to combine Flemmer or Valeo with the primary teaching to Reynolds.

FINAL OFFICE ACTION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3725


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (703) 872-9306. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane
November 16, 2005



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725